

Order

Michigan Supreme Court
Lansing, Michigan

March 5, 2012

Robert P. Young, Jr.,
Chief Justice

143848

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 143848
COA: 304704
Saginaw CC: 10-034690-FH

JASON DONALD MERLONE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 18, 2011 order of the Court of Appeals is considered. We DIRECT the Saginaw County Prosecuting Attorney to answer the application within 28 days of this order. The prosecutor shall address whether points were properly assessed for Offense Variable 1, MCL 777.41, and Offense Variable 2, MCL 777.42, and whether counsel for the defendant provided ineffective assistance by failing to challenge the scoring for those two variables at sentencing or in a proper motion for resentencing in the trial court or to remand in the Court of Appeals.

The application for leave to appeal remains pending.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 5, 2012

Corbin R. Davis

Clerk